

EXHIBIT "A"

00 JUN -9 AM 10:29

COPY

vs

Deborah Keys, et. al.,

COUNTY CLERK
BRONX COUNTY

Plaintiff(s)/Petitioner(s)

AFFIDAVIT OF SERVICE

INDEX #: 15633/00

Defendant(s)/Respondent(s)

FILED ON: May 2, 2000

County of Suffolk, State of New York I, Christopher F. Gentile being duly sworn deposes and says;Deponent is not a party herein, is over 18 years of age and resides In the State of New York
On 5/27/00 at 7:00 pmat 4164 Wickham Avenue, Bronx, NY 10469deponent served the within Summons & Notice, Mortgage Foreclosure Complaintbearing Index # 15633/00 and filed on May 2, 2000ON: Deborah Keys

INDIVIDUAL

☐

by delivering a true copy of each to said recipient personally; deponent knew the person served to be the person described as said person therein.

CORPORATION A

☐

, by delivering thereat a true copy of each to

personally, deponent knew said

so served to be the

described as the named defendant and knew

said individual to be the authorized agent thereof.

SUITABLE AGE

PERSON

☐

by delivering a true copy of each to

Said premises is recipient's ☐ actual place of business ☐ a person of suitable age and discretion☐ dwelling house (usual place of abode) within the state.

I asked the person spoken to whether the defendant actually resides/is employed at these premises and received an affirmative reply.

AFFIXING TO

DOOR

☒by affixing a true copy of each to the door of said premises, which is recipient's ☐ actual place of business☒ dwelling house (usual place of abode) within the state. Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, having called thereatDay Friday Date 5/12/00 Time 5:30 pm Day Wednesday Date 5/17/00 Time 2:45 pmDay Saturday Date 5/20/00 Time 10:35 am Day Thursday Date 5/25/00 Time 7:20 pm

Verification: Neighbor and postal verification.

MAILING

COPY

☒Deponent caused a copy of same to be enclosed in postpaid sealed wrapper properly addressed to recipient at the recipient's last known ☒ residence ☐ place of employment at: 4164 Wickham Ave, Bronx, NY 10469and caused said wrapper to be deposited in a post office official depository under exclusive care and custody of the U. S. Postal Service within the State of New York on 6/5/00☐ The mailing was made by certified mail (Receipt No. _____)☐ and with return receipt requested, and/ ☒ or First Class Mail, marked personal and confidential.

DESCRIPTION

☐

A description of the Defendant, or other person served, or spoken to on behalf of the Defendant is as follows:

Sex _____ Race/skin _____ Color of hair _____ Approx. Age _____ Approx. Height _____

Approx. weight _____ Other _____

WITNESS FEES

☐

\$ _____ the authorizing traveling expenses and one day's witness fee was paid (tendered) to the recipient.

PHOTO

☐

Deponent was able to identify recipient from annexed photo.

MILITARY

SERVICE

☒

Deponent asked person spoken to whether the recipient was presently in military service of the United States

Government or on active duty in the military service in the State of New York and was

informed he/she was not.

Sworn to before me on this

5 day of June, 2000Kathia Bitonti
Notary Public, County, New YorkChristopher F. Gentile

Christopher F. Gentile

Client Reference #: 34694-99

cf

My Commission Expires _____ / _____ / _____

Kathia Bitonti

Notary Public, State of New York

No. 01OC5037038

Qualified in Nassau County

Commission Expires Dec. 12, 2001

1028062

Process Server's Lic #

Nationwide Court Services, Inc.
3340 Veterans Memorial Highway
Bohemia, New York 11716
516-981-4400

Invoice/Work Order #9635999

EXHIBIT "B"

3/20/01

At an ~~11~~ Part 10 of the Supreme Court of the State of New York, held in and for the County of Bronx at the County Courthouse in Bronx, New York on the 20 day of MARCH, 2001.

Present: Hon.

Alan J. Saks

, J.S.C.

Union Planters Bank, N.A.,

Index No. 00/15633

Plaintiff,

- against -

**ORDER FOR SERVICE
BY PUBLICATION AND
FILING EXTENSION**

Deborah Keys; Winston Mason; Al Keys, Jr.; Arthur Keys; Jiles Keys; Mary Keys if living, and if they be dead, any and all persons who are spouses, widows, grantees, mortgagees, lienors, heirs, devisees, distributees or successors in interest of such of them as may be dead, all of whom and whose names and places of residence are unknown to Plaintiff; Any Unknown heirs of the Estate of Essie Keys, if living, and if they be dead, any and all persons who are spouses, widows, grantees, mortgagees, lienors, heirs, devisees, distributees or successors in interest of such of them as may be dead, all of whom and whose names and places of residence are unknown to Plaintiff; City of New York Transit Authority, Transit Adjudication Bureau; City of New York Department of Transportation Parking Violations Bureau; City of New York Environmental Control Board; Criminal Court Bronx County; State of New York, and "John Doe #1" through "John Doe #10", the last 10 names being fictitious and unknown to the Plaintiff, the person or parties intended being the persons or parties, if any, having or claiming an interest in or lien upon the mortgaged premises described in the complaint,

Defendant(s).

FILED

MAR 26 2001

BRONX COUNTY CLERK'S OFFICE

Upon the Summons, Complaint and Notice of Pendency of Action, heretofore filed herein in the Office of the Clerk of the County of Bronx, on November 19, 1999, and upon the

annexed proposed Supplemental Summons and Amended Complaint, from all of which it appears that the Complaint herein demands judgment in favor of Plaintiff against Defendant, Mary Keys; Al Keys Jr., and Any unknown heirs to the Estate of Essie Keys to foreclose a mortgage against specific real property within this County and the State of New York, and it appearing that there is a sufficient cause of action stated therein against the Defendants, Mary Keys; Al Keys Jr., and Any unknown heirs to the Estate of Essie Keys, who are a necessary party defendants herein; and upon the annexed affirmation of John A. DiCaro, Esq. dated February 14, 2001 and upon the affidavits of Cheryl Fratello and Genine D'Agostino dated July 26, 2000, January 22, 2001 and February 14, 2001, from which it appears that Mary Keys; Al Keys Jr., and Any unknown heirs to the Estate of Essie Keys cannot be served personally within the State of New York, and Plaintiff having thereby made proof to the Court's satisfaction that the location of said defendants or their personal representatives can not, with due diligence, be ascertained and that the Plaintiff has been and will be unable, in the exercise of such due diligence, to make personal service of the Summons herein or by any other prescribed method on said defendants within the State;

Now, on motion of Shapiro & DiCaro, LLP, attorneys for the Plaintiff, it is hereby

ORDERED, that the plaintiff be and hereby is granted leave to issue, file and serve, where required, the annexed Supplemental Summons and Amended Complaint, and that the title of this action is hereby amended to conform with title as shown on said Supplemental Summons and Amended Complaint without prejudice to any of the proceedings heretofore had herein; and it is further

ORDERED, that service of the Supplemental Summons in this action upon Mary Keys; Al Keys Jr., and Any unknown heirs to the Estate of Essie Keys, if living, and if any be dead,

their respective heirs-at-law, distributees, executors, administrators, trustees, devisees, legatees, assignees, and generally all persons having or claiming under, by or through said defendants who may be deceased, by purchase, inheritance, lien or otherwise, to any right, title or interest in and to the premises described in the Complaint herein, be made by publication of said Supplemental Summons in two (2) newspapers, at least one in the English language, hereby designated as most likely to give notice to the said defendants, viz: in the NEW YORK LAW JOURNAL published in BROOK County, State of New York and in the Rivindale Press published in BROOK County, State of New York, once a week for four successive weeks, together with a notice to the defendants, a brief statement of the nature of the action, the relief sought, and the sum of money for which judgment may be taken in case of default, and a brief description of the property; and it is further;

Q.R.
J.S.C. ORDERED, that the Supplemental Summons and Amended Complaint herein be delivered on behalf of the said defendant, who may be served herein by publication pursuant to this Order, to FREDERICK POTACEK ESQ ^{384 E. 149 ST., BROOK, N.Y. 10455}, counselor-at-Law, who is hereby authorized, empowered and designated to appear herein as Guardian Ad Litem, and Military Attorney on behalf of any of the said defendants who may be absentees, infants or incompetents, or unknown successors in interest of defendants who may be deceased, or defendants who may be in military service, and to protect and defend interests of said defendants in the action upon filing his/her acknowledged consent and qualifying affidavit; and it is further

Q.R.
J.S.C. ORDERED, that said Guardian Ad Litem and Military Attorney shall also act for said defendants should they be in default or be in the military service of the United States of America, and is hereby authorized and appointed for the purpose of representing them and

protecting their interest in this action pursuant to the provisions of the Soldiers' and Sailors' Civil Relief Act and Military Law of 1940, as amended, and the Military Laws of the State of New York, and it is further

ORDERED, that the Supplemental Summons and Amended Complaint and the papers on which this order is based be filed on or before the first day of publication, and that the first publication be made within thirty days after the entry of this Order; and it is further

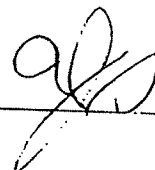
ORDERED, that the 120 day period for service and filing of affidavits of service pursuant to CPLR §306 is hereby extended ¹²⁰~~100~~ days from the filing of this order.

ENTER

Dated

ENTER

Hon.



Attorney certification pursuant
to 22 NYCRR §130-1.1-a
is affixed to inside cover.

CITY OF NEW YORK
COUNTY OF BRONX

SS

f. Teresa Lauria, being duly sworn, deposes and says that he is the Principal Clerk of THE RIVERDALE PRESS, a weekly newspaper printed and published in the County of Bronx; State of New York, every Thursday. Deponent further says that the notice of which the annexed is a copy has been regularly published in the said THE RIVERDALE PRESS, once a week for four (4) weeks successive insertions in the issue(s) of April 19, April 26, May 3, and May 10, 2001.

Sworn to before me this 10th day of May 2001
Laurette McGinn Notary Public. _____ County.

LAURETTE MCGINN
Notary Public, State of New York
No. 60-7831420
Qualified in Westchester County
Commission Expires March 30, 2002

(Seal)

Legal Notice
Index No. 15633/00
SUPPLEMENTAL
SUMMONS AND NOTICE
SUPREME COURT OF THE
STATE OF NEW YORK
COUNTY OF BRONX
Union Planters Bank, N.A., Plaintiff, -
against- Al Keys, Jr.; Mary..Keys,
and Any Unknown heirs of the
Estate of Essie Keys. If living and if
they be dead, any and all persons
who are spouses, widows,
grantees, mortgagees, lienors,
heirs, devisees, distributees or suc-
cessors in interest of such of them
as may be dead, all of whom and
whose names and places of resi-
dence are unknown to Plaintiff.
Defendants.
PROPERTY ADDRESS: 4164
Wickham Avenue, Bronx, NY 10469.
TO THE ABOVE NAMED
DEFENDANTS:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance on the attorneys for the Plaintiff within twenty (20) days after the service of this summons, exclusive of the day of service, or within thirty (30) days after completion of service where it is made in any other manner than personal delivery within the State. The United States of America if designated as a defendant in this action, may appear within sixty (60) days of service of hereof. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

NOTICE OF NATURE OF ACTION AND RELIEF SOUGHT
THE OBJECT of the above captioned action is to foreclose a Mortgage to secure \$48,000.00 and interest, recorded in the Bronx County Clerk's Office on October 28, 1982, in Reel 487 of Mortgages, Page 155 covering premises known as 4164 Wickham Avenue, Bronx NY 10469.

The relief sought in the within action is a final judgment directing the sale of the premises described above to satisfy the debt secured by the Mortgage described above.

Plaintiff designates Bronx County as the place of trial. Venue is based upon the County in which the mortgaged premises is situated.

Dated: August 13, 2000 Shapiro
Dicaro, LLP, Attorneys for Plaintiff,
700 Cornsboro Centre, 2300
Buffalo Road, Buffalo, New York
14224, (716) 871-1100. On the 14th day of August 2000.

99-34694R.

WE ARE ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE

SCHEDULE "A"

LEGAL DESCRIPTION

All that certain lot, piece or parcel of land with the buildings and improvements thereon erected, situate, lying and being in the Borough and County of Bronx, City and State of New York, being more particularly bounded and described as follows: BEGINNING at a point on the easterly side of Wickham Avenue distant 108.89 feet southerly from the corner formed from the intersection of the easterly side of Wickham Avenue with the southerly side of Bussing Avenue;

RUNNING THENCE easterly at right angles to Wickham Avenue, 95 feet; THENCE southerly parallel with Wickham Avenue, 25 feet; THENCE westerly again at right angles to Wickham Avenue, 95 feet to the easterly side of Wickham Avenue; THENCE northerly along the easterly side of Wickham Avenue, 25 feet to the point or place of BEGINNING

2001 JUN -1 - PM 12:08
COUNTY CLERK
BRONX

RECEIVED

COUNTY OF BRONX — Index
No. 15633/00 — SUPPLEMENTAL SUMMONS AND NOTICE
— UNION PLANTERS BANK,
N.A., Plaintiff, against AL
KEYS, JR.; MARY KEYS, and
Any Unknown heirs of
the Estate of Essie Keys, if living,
and if they be dead, any
and all persons who are spouses,
widows, grantees, mortgagees,
lienors, heirs, devisees,
distributees or successors in
interest of such of them as may
be dead, all of whom and
whose names and places of residence
are unknown to Plaintiff,
Defendants.

PROPERTY ADDRESS:
4164 Wickham Avenue, Bronx,
NY 10469.

TO THE ABOVE NAMED
DEFENDANTS:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance on the attorneys for the Plaintiff within twenty (20) days after the service of this summons, exclusive of the day of service, or within thirty (30) days after completion of service where it is made in any other manner than personal delivery within the State. The United States of America, if designated as a defendant in this action, may appear within sixty (60) days of service hereof. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

**NOTICE OF NATURE OF
ACTION AND RELIEF
SOUGHT**

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**SECTION "A"
LEGAL DESCRIPTION**

ALL that certain lot, piece or parcel of land with the buildings and improvements thereon erected, situate, lying and being in the Borough and County of Bronx, City and State of New York, being more particularly bounded and described as follows:

BEGINNING at a point on the easterly side of Wickham Avenue, distant 108.89 feet southerly from the corner formed by the intersection of the easterly side of Wickham Avenue with the southerly side of Bussing Avenue;

RUNNING THENCE easterly at right angles to Wickham Avenue, 95 feet;

THENCE southerly parallel with Wickham Avenue, 25 feet;

THENCE westerly again at right angles to Wickham Avenue, 95 feet to the easterly side of Wickham Avenue;

THENCE northerly along the easterly side of Wickham Avenue, 25 feet to the point or place of BEGINNING.

The relief sought in the within action is a final judgment directing the sale of the premises described above to satisfy the debt secured by the Mortgage described above.

Plaintiff designates Bronx County as the place of trial. Venue is based upon the County in which the mortgaged premises is situated.

Dated: August 13, 2000.

Shapiro & DiCaro, LLP, Attorneys for Plaintiff, 700 Cornerstone Centre, 2300 Buffalo Road, Rochester, New York 14624 (716) 247-9000.

Our File No. 99-34694R.

WE ARE ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

152413

a19-Th my10

NEW YORK

of New York, s:

Cynthia Byrd, being duly sworn, says that she is the PRINCIPAL CLERK of the Publisher of the NEW YORK LAW JOURNAL, a Daily Newspaper; that the Advertisement hereto annexed has been published in the said NEW YORK LAW JOURNAL in each week for 4 successive weeks, commencing on the 10th day of April, 2001.

Cynthia Byrd

TO WIT: APRIL 19, 26, 2001 MAY 3, 10, 2001

SWORN TO BEFORE ME, this 10th day }
Of May, 2001.

Debra A Cruz

Debra A. Cruz
Notary Public, State of New York
No. 01CR6056944
Qualified in Bronx County
Commission Expires April 09, 2003

RECEIVED
2001 MAY 24 AM 11:54
COUNTY CLERK
BRONX COUNTY

COUNTY OF BRONX

Index No. 00/15633

Union Planters Bank, N.A.,

Plaintiff,

- against -

REPORT OF GUARDIAN
AD LITEM AND MILITARY
ATTORNEY

Deborah Keys; Winston Mason; Al Keys, Jr.; Arthur Keys; Jiles Keys; Mary Keys if living, and if they be dead, any and all persons who are spouses, widows, grantees, mortgagees, lienors, heirs, devisees, distributees or successors in interest of such of them as may be dead, all of whom and whose names and places of residence are unknown to Plaintiff; Any Unknown heirs of the Estate of Essie Keys, if living, and if they be dead, any and all persons who are spouses, widows, grantees, mortgagees, lienors, heirs, devisees, distributees or successors in interest of such of them as may be dead, all of whom and whose names and places of residence are unknown to Plaintiff; City of New York Transit Authority, Transit Adjudication Bureau; City of New York Department of Transportation Parking Violations Bureau; City of New York Environmental Control Board; Criminal Court Bronx County; State of New York, and "JOHN DOE #1" through "JOHN DOE #10", the last ten names being fictitious and unknown to the Plaintiff, the person or parties intended being the persons or parties, if any, having or claiming an interest in or lien upon the mortgage premises described in the complaint,

Defendants.

STATE OF NEW YORK
COUNTY OF BRONX

)
) ss.

Frederic B. Potack, Esq., being duly sworn, deposes and says that I am an attorney at law, duly authorized to practice in the Courts of the State of New York, maintains offices at 384 E. 149th

Street, Bronx, New York 10455, and hereby reports to this Court the following facts and nature of services performed in acting for and representing the defendants herein.

1. Pursuant to an Order of this Court dated March 20, 2001, I was appointed Guardian Ad Litem and Military Attorney, to represent and protect the possible interests of Mary Keys, Al Keys, Jr. and Any unknown heirs to the Estate of Essie Keys, if living, and if they be dead, then their respective heirs at law, distributees, executors, administrators, trustees, devisees, legatees, assignees, and generally all persons having a claim under, by or through said defendants who may be deceased, by purchase, inheritance, lien or otherwise, to any right, title or interest in or to the premises described in the Complaint herein, all of whose names are unknown to Plaintiff, and all those defendants served with the summons by publication who may be incompetents and as Military Attorney to answer and appear for the defendants and unknown parties to this action who may be in the military service of the United States of America, for the purpose of acting for, representing and protecting their interest in this proceeding.

2. That I have examined into the facts and circumstances stated in the complaint and to the best of my ability have made myself acquainted with the rights of the parties whom I represent.

3. That I have examined the file in this action and consulted with the attorney for the plaintiff concerning the matters herein.

4. That I have made an effort to ascertain whether there are

any persons involved in this action who are infants or incompetents, and also to ascertain whether there are any persons who are defendants in this action, who may be in the military service, and have been unable to learn of any such defendants.

5. That it appears that the defendants claim or may claim an estate or interest adverse to that of the plaintiff.

6. It appears from the records herein that there never were any tax sales.

7. I have examined the proofs of publication, and find that the order directing publication has been fully carried out and complied with and, therefore, this Court has jurisdiction over the subject matter of the within proceedings as well as the person of the defendants. As Guardian Ad Litem and Military Attorney herein, I have no knowledge of any defense to the within foreclosure action.

WHEREFORE, your deponent prays for such reasonable fee as Guardian ad Litem and Military Attorney herein as the Court may seem just and proper.

Dated: April 18, 2001

Frederic B. Potack, Esq.
Guardian Ad Litem

Sworn to before me this 18th

day of April, 2001.

Diane Rivera
NOTARY PUBLIC

FILE NO:99-34694R

DIANE RIVERA
Notary Public, State of New York
No 01RI5059312
Qualified in Bronx County 2002
Commission Expires April 22, 2002

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

UNION PLANTERS BANK, NA,

Index No. 00/15633

Plaintiff(s),

-against-

SUPPLEMENTAL
REPORT OF
GUARDIAN
AD LITEM &

DEBORAH KEYS, WINSTON MASON, AL KEYS, JR.,
ARTHUR KEYS, JILES KEYS, MARY KEYS, if living,
and if they be dead, any and all persons who are
spouses, widows, grantees, mortgagees, lienors, heirs,
devises, distributees or successors in interest of such
of them as may be dead, all of whom and whose
names and places of residence are unknown to
plaintiff, CITY OF NEW YORK TRANSIT
AUTHORITY, TRANSIT ADJUDICATION
BUREAU, CITY OF NEW YORK DEPARTMENT OF
TRANSPORTATION PARKING VIOLATIONS
BUREAU, CITY OF NEW YORK ENVIRONMENTAL
CONTROL BOARD, CRIMINAL COURT, BRONX
COUNTY, STATE OF NEW YORK, and "JOHN DOE
#1" through "JOHN DOE #10", the last ten names
being fictitious and unknown to the plaintiff, the
person or parties intended being the persons or
parties, if any, having or claiming an interest in or
lien upon the mortgage premises described in the
complaint,

Defendant(s).

STATE OF NEW YORK)
COUNTY OF BRONX) ss.

FREDERIC B. POTACK, being duly sworn, deposes and says:

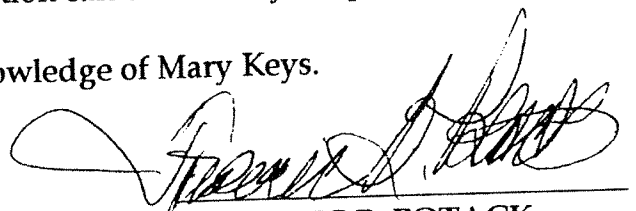
1. That this affidavit is made as a supplement to my report of Guardian Ad Litem and Military attorney.
2. That I attempted to locate the attorney who represented Essie Keys when she entered into the mortgage with the plaintiff in order to determine if he knew the

whereabouts of her heirs. However, I determined that Mr. Perricone, the attorney is also deceased.

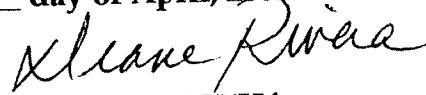
3. I personally made an Internet search in an attempt to locate Mary Keys in Bronx County and in Westchester County, however, I was unsuccessful.

4. The affidavit of due diligence and attempted service of Cheryl Fratello dated July 26, 2000 contains an inconsistency with the affidavit of Daniel Batista dated July 25, 2000. In order to resolve the discrepancy between Ms. Fratello's affidavit and the affidavit of Mr. Batista concerning the search to determine whether Letters of Administration or Letters of Probate were issued as to Mary Keys in Suffolk County or Bronx County, I personally conducted a search at the Surrogate's Court, Bronx County and determined that no such Letters were issued.

5. I also checked with Verizon information and was advised that they had a telephone listing for a party by the name of "Keys" at 4164 Wickham Avenue, Bronx, New York but it was an unlisted telephone number and the first name of that person was not Mary. Perhaps a further investigation can be made by the plaintiff in order to ascertain whether that person has any knowledge of Mary Keys.


FREDERIC B. POTACK
Guardian Ad Litem

Sworn to before me this
18th day of April, 2001.


DIANE RIVERA
Notary Public, State of New York
No 01RI5059312
Qualified in Bronx County 2002
Commission Expires April 22, 2002